

cent shall be paid from such sources. Subject to the approval of the Secretary, such contributions for a project may be in the form of, but are not required to be limited to, private cash donations, and the contribution of materials, equipment, or services necessary for the project.

(f) Eligibility of designated State agencies

No designated State agency shall be eligible to receive matching funds from the Wildlife Conservation and Appreciation Fund if revenue derived from activities regulated by such an agency is diverted for any purpose other than the management and conservation of fish and wildlife. Such revenue shall include, but not be limited to, all income from the sale of hunting, fishing and trapping licenses; all income from nongame checkoff systems; all income from the sale of waterfowl, habitat conservation, and other stamps that are requisite for engaging in certain activities regulated by the designated State agency; all income from the sale of any commodities and products by the designated State agency from lands and waters administered by the State for fish and wildlife purposes; and all funds apportioned to the designated State agency under the Federal Aid in Wildlife and Sport Fish Restoration Programs.

(g) Establishment of Fund

(1) The Secretary shall establish the Fund, which shall consist of amounts deposited into the Fund by the Secretary under paragraph (2) of this subsection.

(2) The Secretary shall deposit into the Fund amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary to defray the costs of administering this chapter and evaluating wildlife conservation and appreciation projects.

(h) Authorization of appropriations

There are authorized to be appropriated to the Fund and to the Secretary for each of fiscal years 1992 through 1998 not to exceed \$6,250,000.

(Pub. L. 102-587, title VII, §7105, Nov. 4, 1992, 106 Stat. 5097; Pub. L. 103-375, §6(4)-(7), Oct. 19, 1994, 108 Stat. 3495, 3496.)

AMENDMENTS

1994—Subsec. (d)(5). Pub. L. 103-375, §6(4), struck out par. (5) which read as follows: “may not exceed the State share of the cost of implementing such a project.”

Subsec. (e). Pub. L. 103-375, §6(5), amended heading and text of subsec. (e) generally. Prior to amendment, text read as follows: “The share of the cost of carrying out eligible projects under this section shall be from a non-Federal source and shall not be in the form of an in-kind contribution.”

Subsec. (g)(2). Pub. L. 103-375, §6(6)(A), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall deposit into the Fund—

“(A) amounts appropriated to the Secretary for deposit to the Fund, of which not more than 4 percent shall be available to the Secretary and the National Fish and Wildlife Foundation to defray the costs of administering this chapter and evaluating wildlife conservation and appreciation projects; and

“(B) amounts received as donations from the National Fish and Wildlife Foundation or other private entities or persons for deposit to the Fund.”

Subsec. (g)(3), (4). Pub. L. 103-375, §6(6)(B), struck out pars. (3) and (4) which read as follows:

“(3) The Secretary may accept and use donations from the National Fish and Wildlife Foundation and other private entities or persons for purposes of assisting States under this section.

“(4) Of the total amount provided from the Fund to assist a State in carrying out a wildlife conservation and appreciation project under subsection (a) of this section, at least 50 percent shall have been donated to the Fund by the National Fish and Wildlife Foundation.”

Subsec. (h). Pub. L. 103-375, §6(7), substituted “1998” for “1995” and struck out before period at end “to match the amount of contributions made to the Fund by the National Fish and Wildlife Foundation”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3743 of this title.

CHAPTER 58—ERODIBLE LAND AND WETLAND CONSERVATION AND RESERVE PROGRAM

SUBCHAPTER I—DEFINITIONS

Sec.
3801. Definitions.

SUBCHAPTER II—HIGHLY ERODIBLE LAND CONSERVATION

3811. Program ineligibility.
3812. Exemptions.
 (a) Persons eligible for program benefits in connection with production or reduced production of crops on certain lands; eligibility based upon compliance with conservation plan by January 1, 1995; minimization of documentation.
 (b) Persons eligible for program benefits in connection with production of certain planted crops or production of crops on highly erodible land.
 (c) Ineligibility for loans and payments under section 3811.
 (d) Program ineligibility inapplicable to pre-December 23, 1985, section 3811 loans.
 (e) Limitations on ineligibility for tenants.
 (f) Graduated sanctions.
 (g) Preparation or revision of conservation plan.
 (h) Noncommercial production of agricultural commodities.
3813. Soil surveys.

SUBCHAPTER III—WETLAND CONSERVATION

3821. Program ineligibility.
3822. Delineation of wetlands; exemptions.
 (a) Delineation of wetlands.
 (b) Exemptions.
 (c) On-site inspection requirement.
 (d) Prior loans.
 (e) Nonwetlands.
 (f) Minimal effect; mitigation.
 (g) Mitigation appeals.
 (h) Good faith exemption; graduated sanctions.
 (i) Restoration.
 (j) Determinations; restoration and mitigation plans; reporting; monitoring activities.
3823. Consultation with Secretary of the Interior.
3824. Fairness of compliance.

Sec.		Sec.	
SUBCHAPTER IV—AGRICULTURAL RESOURCES CONSERVATION PROGRAM			(g) Easements.
PART I—ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM		3837a.	Easements.
SUBPART A—GENERAL PROVISIONS			(a) In general.
3830.	Environmental Conservation Acreage Reserve Program.		(b) Terms of easement.
	(a) Establishment.		(c) Restoration plans.
	(b) Number of acres.		(d) Compatible uses.
	(c) Implementation.		(e) Type and length of easement.
			(f) Compensation.
			(g) Violation.
		3837b.	Duties of owners.
		3837c.	Duties of Secretary.
			(a) In general.
			(b) Cost share assistance.
			(c) Acceptability of offers.
			(d) Easement priority.
		3837d.	Payments.
			(a) Time of payment.
			(b) Payments to others.
			(c) Payment limitation.
			(d) Exemption from automatic sequester.
		3837e.	Changes in ownership; agreement modifica- tion; termination.
			(a) Limitations.
			(b) Modification; termination.
		3837f.	Administration and funding.
			(a) Delegation of easement administra- tion.
			(b) Regulations.
		PART II—AGRICULTURAL WATER QUALITY INCENTIVES	
3833.	Duties of Secretary.	3838.	Policy.
3834.	Payments.	3838a.	Definitions.
	(a) Time of cost-sharing and annual rent- al payments.	3838b.	Agricultural water quality protection pro- gram.
	(b) Federal percentage of cost sharing payments.		(a) Incentives.
	(c) Annual rental payments; encourage- ment factor; method of determina- tion; acceptance of contract offers.		(b) Content of plans.
	(d) Cash or in-kind payments.		(c) Plan development.
	(e) Regulations; payments upon death, disability, or succession.		(d) Protection of confidentiality.
	(f) Rental payments fiscal year limita- tion; regulations; receipt of other payments unaffected; application of limit to payments received by a State, political subdivision, or agency.		(e) Acceptance of contracts.
	(g) Contracts unaffected by certain Presi- dential orders.		(f) Federal or State provisions.
	(h) Cost share assistance.	3838c.	Eligible lands.
3835.	Contracts.		(a) Eligible lands.
	(a) Ownership or operation requirement.		(b) Priority lands.
	(b) Sales or transfers; options.	3838d.	Technical assistance for water quality protec- tion.
	(c) Modification; waiver.		(a) In general.
	(d) Termination; notice to Congressional Committees		(b) Field office technical guidance for water quality protection.
3835a.	Conversion of land subject to contract to other conserving uses.		(c) Personnel.
	(a) Conversion to trees.		(d) Limitation of liability.
	(b) Conversion to wetlands.	3838e.	Demonstration and pilot programs.
	(c) Limitation.		(a) Demonstration and model farm pro- grams.
	(d) Condition of contract.		(b) Pilot programs.
3836.	Base history.	3838f.	Report to Congress.
	(a) Reductions.	PART III—ENVIRONMENTAL EASEMENT PROGRAM	
	(b) Basis for participation in other Fed- eral programs.	3839.	Environmental easement program.
	(c) Extension of preservation of cropland base and allotment history.		(a) Establishment.
	(d) Additional remedy for violations.		(b) Eligibility; termination.
		3839a.	Duties of owners; components of plan.
			(a) Duties of owners.
			(b) Components of plan.
		3839b.	Duties of Secretary.
		3839c.	Payments.
			(a) Time of payment.
			(b) Cost sharing payments.
			(c) Easement payments; acceptability of offers.
			(d) Form of payment.
			(e) Payments to others.
			(f) Payment limitation.
			(g) Exemption from automatic sequester.
3837.	Wetlands reserve program.	3839d.	Changes in ownership; modification of ease- ment.
	(a) Establishment.		(a) Limitations.
	(b) Minimum enrollment.		(b) Modification; termination.
	(c) Eligibility.	SUBCHAPTER V—ADMINISTRATION	
	(d) Other eligible land.		
	(e) Ineligible land.	3841.	Use of Commodity Credit Corporation.
	(f) Termination of existing contract.		